

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. _____

| | | |
|----------------------------|---|---------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | CERTIFICATION OF A |
| |) | SEXUALLY DANGEROUS PERSON |
| DAVID SIMPSON, |) | |
| Register Number 17463-076, |) | |
| |) | |
| Respondent. |) | |

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, hereby submits the attached Certification of a Sexually Dangerous Person pursuant to Title 18 U.S.C. § 4248(a).

Respectfully submitted, this 8th day of June, 2009.

George E. B. Holding
United States Attorney

BY: /s/ Michael Bredenberg
Michael Bredenberg
Special Assistant U.S. Attorney
Attorney for Petitioner
U.S. Attorney's Office Civil Division
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N.C. Bar # 26068

CERTIFICATE OF SERVICE

This is to certify that I have this 8th day of June, 2009, served a copy of the foregoing upon the Respondent in this action by placing the documents in an envelope marked as stated below, and providing it to FCC Butner staff to deliver the envelope in hand to:

David Simpson
Reg. No. 17463-076
FCI Butner

and on the same day served a copy of the foregoing by placing a copy in the U.S. Mail, addressed as follows:

Office of the Federal Public Defender
150 Fayetteville Street Mall
Suite 450
Raleigh, North Carolina 27601

/s/ Michael Bredenberg
Michael Bredenberg
Special Assistant U.S. Attorney
Attorney for Petitioner
U.S. Attorney's Office Civil Division
310 New Bern Avenue
Suite 800, Federal Building
Raleigh, NC 27601-1461
Telephone: (919) 575-3900 x 6078
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CERTIFICATION OF A SEXUALLY DANGEROUS PERSON

(1) I, Anthony A. Jimenez, am Chairperson of the Federal Bureau of Prisons (Bureau) Certification Review Panel, Washington, D.C. Pursuant to 28 C.F.R. § 0.97, the Director of the Bureau has delegated to me the authority to certify persons in Bureau custody as sexually dangerous, as authorized by 18 U.S.C. § 4248(a).

(2) Bureau records reflect the following: Inmate David Arlon Simpson, Register Number 17463-076, is in Bureau custody at the Federal Correctional Institution, Butner, North Carolina, in service of a 135-month term of imprisonment and a three-year term of supervised release, following his conviction for two counts of Interstate Transportation of Visual Depictions of Minors Engaging in Sexually Explicit Conduct, in violation of 18 U.S.C. § 2252(a)(1); one count of Interstate Travel with Intent to Engage in Sexual Act with a Minor, in violation of 18 U.S.C. § 2423(b); and one count of Attempt to Entice a Minor to Engage in Sexual Activity by Use of a Facility and Means of Interstate Commerce. He is also serving a concurrent 60-month term of imprisonment and a three-year term of supervised release, following his conviction for Possession of Items Shipped in Interstate Commerce Which Contain Visual Depictions of Minors Engaging in Sexually Explicit Conduct, in violation of 18 U.S.C.

§ 2252(a)(4)(B) (W.D. Tenn.) (Case No. 2:00CR20102). His offense conduct included communicating with a cooperating witness over the internet to obtain an eight-year-old girl for the purpose of engaging in sex with the child, emailing sexually explicit messages and images of prepubescent female children engaging in sexually explicit conduct with the intention that they be viewed by the child, and agreeing to pay \$100 and provide child pornography to the cooperating witness in exchange for the child. His projected release date is June 16, 2009.


(3) Based on a review of his Bureau records, I certify he is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5), and sexually dangerous to others as defined by 18 U.S.C. § 4247(a)(6). My certification is based on information found in Bureau records which includes, but is not limited to, the following:

(a) He previously engaged or attempted to engage in sexually violent conduct or child molestation as evidenced by his current offense conduct. Additionally, there is evidence that inmate Simpson sexually abused [REDACTED], when he was between the ages of six and nine-years-old, and [REDACTED], when she was between the ages of five and seventeen-years-old;

(b) A psychological review and assessment indicated an Axis I diagnosis of Pedophilia, Sexually Attracted to Both, Nonexclusive Type, and an Axis II diagnosis of Antisocial Personality Disorder;

(c) An assessment of him using actuarial risk assessment instruments was conducted. These results, in addition to his current and prior offense conduct, a history of sexual re-offending despite completion of sex offender treatment, sexual preoccupation, attitudes tolerant of sexual offending, and a lack of significant positive social influences, indicate he will have serious difficulty refraining from sexually violent conduct or child molestation if released.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.



Anthony A. Jimenez
Chairperson
Certification Review Panel
Federal Bureau of Prisons

6/5/2009
Date

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. _____

| | | |
|----------------------------|---|-------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | ORDER |
| |) | |
| DAVID SIMPSON, |) | |
| Register Number 17463-076, |) | |
| |) | |
| Respondent. |) | |

At the request of the Director of the Bureau of Prisons, the government has filed a Certification of a Sexually Dangerous Person pursuant to 18 U.S.C. § 4248, in order for this court to hold a hearing to determine whether the Respondent is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5).

Respondent, having demonstrated eligibility for appointment of counsel at government expense, the Federal Public Defender IS DIRECTED to provide representation in this action.

The Court further determines that the Respondent is unable to pay the fees of any witness, and pursuant to Federal Rule of Criminal Procedure 17(b) the Clerk shall issue a subpoena for any witness necessary to present an adequate defense to the pending charge or charges.

The Court further ORDERS that the United States Marshal shall serve any subpoenas presented to him in this case by the office of the Federal Public Defender, and shall pay the appropriate fees and expenses to witnesses so subpoenaed.

Pursuant to 18 U.S.C. section 4247(b), the Court ORDERS the government to conduct a psychiatric or psychological examination of Respondent. Pursuant to this section, if the Respondent wishes to request an additional examiner, he shall request such by separate motion to this court.

The Court hereby notifies the parties that this case has been set for Hearing by videoconference at _____ AM/PM on _____. The hearing shall be held in Courtroom #2, Seventh Floor, of the Terry Sanford Federal Building, 310 New Bern Avenue, Raleigh, North Carolina.

This ____ day of _____, 2009.

W. EARL BRITT
Senior U.S. District Judge